

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

GOLDEN RAIN FOUNDATION,

Plaintiff and Appellant,

v.

CAROL FRANZ et al.,

Defendants and Respondents.

G038758

(Super. Ct. No. 04CC01285)

ORDER MODIFYING OPINION  
AND DENYING PETITION FOR  
REHEARING; NO CHANGE IN  
JUDGMENT

It is ordered that the opinion filed herein on June 10, 2008, be modified as follows:

On page 9, in the last paragraph, delete the sentence which begins with the phrase: “The declaration of trust attaches . . . .” Insert in its place the following:

The same three persons formed both GRF and Seal Beach Mutual No. 1 and, less than three months after Seal Beach Mutual No. 1 transferred the first soon-to-be Leisure World property to the trust by recording the declaration of trust, one of those persons executed the first GRF-Mutual management agreement on behalf of both GRF and Seal Beach Mutual

No. 1. Similar management agreements between GRF and the other  
Mutuals followed thereafter.

In addition, on page 9 and 10, beginning in the last line of page 9, delete the sentence beginning with “As it aptly noted, . . .” and ends on page 10 with “community facilities.” Insert in its place the following:

As GRF aptly conceded in its annual report, “[t]he sole purpose for the existence of [GRF] is to provide management, accounting and maintenance services to the sixteen mutual corporations and to care for the community facilities.”

The petition for rehearing is DENIED.

There is no change in the judgment.

IKOLA, J.

WE CONCUR:

RYLAARSDAM, ACTING P. J.

ARONSON, J.